

## Officer History

**Officer Name:** MIGNONE,  
ALEXANDER

**Tax ID:** 956932

**Sex:** M

**Shield:** 15350

**Race:** White

**Rank:** PO

**Command:** 580

**Birth Year:** 1991

**Appt Date:** 07/09/2014

**Age:** 31

**Tenure:** 7

CCRB #	CMD	Incident Date	Reported Date	Allegation	Allegation Disposition	Board Discipline Recommendation*	NYPD Allegation Disposition	NYPD MOS Penalty
202002828	580	04/18/2020	04/22/2020	Abuse - Frisk	Substantiated (Command Discipline A)	Substantiated (Command Discipline B)		
				Abuse - Search (of person)	Substantiated (Command Discipline A)	Substantiated (Command Discipline B)		
<b>Total Charges = 4</b>					<b>Total Cases = 2</b>			

\*Board Discipline Recommendations were not issued for complaints closed prior to the CCRB's adoption of the NYPD's Disciplinary Matrix on 03/15/2021. With the adoption of the NYPD Disciplinary Matrix, CCRB now issues a Board Discipline Recommendation for officers that is separate and apart from the disposition of the allegations substantiated against the officer.

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Trevor Hackett	Team: Squad #8	CCRB Case #: 202002828	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday 04/18/2020 3:40 PM	18 Mo. SOL 10-18-2021	EO SOL 05-04-2022	Location of Incident: 330 Wilson Avenue		Precinct: 83
Date/Time CV Reported Wed, 04/22/2020 2:44 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 04/22/2020 2:44 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2. SGT [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3. POM [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4. POM Alexander Mignone	15350	956932	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2. PO [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
A . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] stopped [REDACTED]	A . Substantiated
B . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] stopped [REDACTED]	B . Substantiated
C . SGT [REDACTED]	Abuse of Authority: Sergeant [REDACTED] stopped [REDACTED]	C . Substantiated
D . POM [REDACTED]	Force: Police Officer [REDACTED] pointed his gun at [REDACTED]	D . Exonerated
E . POM [REDACTED]	Force: Police Officer [REDACTED] pointed his gun at [REDACTED]	E . Exonerated
F . SGT [REDACTED]	Discourtesy: Sergeant [REDACTED] spoke discourteously to [REDACTED]	F . Substantiated
G . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] frisked [REDACTED]	G . Substantiated
H . SGT [REDACTED]	Abuse of Authority: Sergeant [REDACTED] frisked [REDACTED]	H . Substantiated
I . POM Alexander Mignone	Abuse of Authority: Police Officer [REDACTED] Mignone frisked [REDACTED]	I . Substantiated
J . SGT [REDACTED]	Abuse of Authority: Sergeant [REDACTED] searched [REDACTED]	J . Substantiated
K . POM Alexander Mignone	Abuse of Authority: Police Officer Alexander Mignone searched [REDACTED]	K . Substantiated

### Case Summary

On April 22, 2020, [REDACTED] filed this complaint on the CCRB's website.

On April 18, 2020, at approximately 3:40 PM, Mr. [REDACTED] was walking in the parking lot of Hope Gardens, a NYCHA development located at 330 Wilson Avenue in Brooklyn, and was stopped by Police Officer [REDACTED] Police Officer [REDACTED] and Sgt. [REDACTED] of the 83<sup>rd</sup> Precinct (**Allegations A, B, and C: Abuse of Authority, substantiated**). As they approached Mr. [REDACTED] PO [REDACTED] and PO [REDACTED] pointed their firearms at Mr. [REDACTED] (**Allegations D and E: Force, exonerated**). As Sgt. [REDACTED] handcuffed Mr. [REDACTED] she said, "Don't you fucking move" (**Allegation F – Discourtesy, substantiated**). Additional officers arrived at the location including PO Mignone of the 83<sup>rd</sup> Precinct. PO [REDACTED] Sgt. [REDACTED] and PO Mignone all frisked [REDACTED] before Sgt. [REDACTED] and PO Mignone searched him. (**Allegation G – K: Abuse of authority, substantiated**). Mr. [REDACTED] was ultimately released and was not summonsed or arrested because of this incident.

Body Worn Camera footage was obtained from the NYPD for PO [REDACTED] PO [REDACTED] Sgt. [REDACTED] and PO Mignone as well as Police Officers Reza Husain, Maxwell Famularo, Luke Repalone, Alexander [REDACTED] Brenden Lavelle, Brandon Kron, [REDACTED] Emily Papp, David White, Maode Lin, Dustin Olivos, [REDACTED] King, Bienvenido Ramirez, and Thomas Coleman, all from the 83<sup>rd</sup> Precinct. The footage is located in IAs #49-67 (**Board Review 02-20**) is summarized in IA #74 (**Board Review 21**). Radio communications audio of the incident was obtained and is located in IA #71 (**Board Review 26**) and summarized in IA #160 (**Board Review 27**).

### Findings and Recommendations

**Allegation A – Abuse of Authority: Police Officer [REDACTED] stopped [REDACTED]**

**Allegation B – Abuse of Authority: Police Officer [REDACTED] stopped [REDACTED]**

**Allegation C – Abuse of Authority: Sergeant [REDACTED] stopped [REDACTED]**

**Allegation D - Force: Police Officer [REDACTED] pointed his gun at [REDACTED]**

**Allegation E – Force: Police Officer [REDACTED] pointed his gun at [REDACTED]**

**Allegation G – Abuse of Authority: Police Officer [REDACTED] frisked [REDACTED]**

**Allegation H – Abuse of Authority: Sergeant [REDACTED] frisked [REDACTED]**

**Allegation I – Abuse of Authority: Police Officer Alexander Mignone frisked [REDACTED]**

**Allegation J – Abuse of Authority: Sergeant [REDACTED] searched [REDACTED]**

**Allegation K – Abuse of Authority: Police Officer Alexander Mignone searched [REDACTED]**

It is undisputed that PO [REDACTED] and PO [REDACTED] stopped and pointed their guns at Mr. [REDACTED] in connection with a 911 call about someone wielding a firearm near the location. It is also undisputed that PO [REDACTED] PO [REDACTED] Sgt. [REDACTED] and PO Mignone frisked Mr. [REDACTED] and that Sgt. [REDACTED] and PO Mignone searched Mr. [REDACTED] What remains in dispute is whether officers were justified in doing so.

An NYPD request for Event documents was returned with negative results, however, in PO [REDACTED] BWC footage, radio communications can be heard emanating from PO [REDACTED] radio. By comparing the BWC timestamps of when the radio communications are heard in the BWC footage to the NYPD radio communications CD (**Board Review 26**), the investigation determined that Mr. [REDACTED] was stopped at the 03:25 minute-mark of the communications CD timestamp. At 00:00, the operator reports a Hispanic man with gun in his pocket at 120 Menahan in Brooklyn. He is described as wearing a black bubble jacket, black pants, gray cap with a ball, glasses, and a mask. He is described as 5'5" tall, slim, and 50-60 years old. At 01:44, operator states the suspect keeps

going in and out of a building at 120 Menahan and going through the back near the courtyard on Grove Street. At 03:10, the operator repeats the description as a male Hispanic, wearing a black coat and pants, a grey cap, glasses, and a mask.

PO [REDACTED] BWC footage begins with him running through a NYCHA complex to the parking lot located behind 120 Menahan. At 00:30 seconds on the media player, located at the bottom of the screen, PO [REDACTED] draws his gun, points it at Mr. [REDACTED] whose back is turned to PO [REDACTED] and tells Mr. [REDACTED] to stop moving twice and orders him to take his hands out of his pockets. Mr. [REDACTED] complies, turns around, and puts his hands in the air. Mr. [REDACTED] 26 years-old at the time of the incident, is a 5'9" tall, black man who at the time was wearing a black coat (not a bubble coat), a black hoodie with the hood up, a navy-blue winter hat, navy blue pants, no mask and no glasses. There are no other civilians captured on PO [REDACTED] BWC prior to him stopping Mr. [REDACTED]. Additional officers arrive at the location and assist in handcuffing Mr. [REDACTED]. PO [REDACTED] says, "Somebody pointed and said it was him." At 01:27, PO [REDACTED] again tells an officer, "Somebody actually definitely just pointed at him and said it was him." At 02:15, PO [REDACTED] gestures back towards the way he came and states that a man in a yellow bubble jacket walking his dog pointed Mr. [REDACTED] out to him. At 03:47, PO [REDACTED] walks past a man in a yellow and black coat and asks if he called 911. The man's response is inaudible. PO [REDACTED] asks why he pointed at Mr. [REDACTED]. The man's response is again inaudible. PO [REDACTED] does not stop to speak with the man or ask any further questions. At 04:42, PO [REDACTED] speaks with the 911 caller who says that the suspect is wearing a bubble coat with a gray hat with a black revolver in his waist pocket. The man states that the suspect exited through the rear of the building. The man additionally states that the suspect was wearing black sunglasses **(Board Review 03)**.

BWC from PO Husain shows at 00:32, PO [REDACTED] and PO [REDACTED] approach Mr. [REDACTED] with their guns drawn. PO [REDACTED] immediately frisks Mr. [REDACTED] front jacket pockets and his front pants pockets. As he is doing so, Sgt. [REDACTED] approaches Mr. [REDACTED] orders him to put his hands behind his back, and handcuffs him. At 00:47, PO Mignone approaches Mr. [REDACTED] reaches his hand into his left jacket pocket, and frisks his legs. At 01:04, it appears Sgt. [REDACTED] is frisking the right side of Mr. [REDACTED]'s torso. At 01:08, Sgt. [REDACTED] reaches her hand into Mr. [REDACTED] right jacket pocket and removes a small bottle of hand sanitizer, which she then puts back in his pocket **(Board Review 05)**.

Mr. [REDACTED] statement was generally consistent with the BWC footage. Mr. [REDACTED] stated that on April 18, 2020, at approximately 2:00 PM, he was working as a porter and was behind 330 Wilson Avenue when he was stopped by two officers who pointed their guns at him. Prior to the incident, Mr. [REDACTED] had been assisting a colleague in one of the development's buildings. He had not been interacting with anyone besides his colleague. He was not carrying or holding anything when he was stopped. Mr. [REDACTED] had a key ring with 15 keys and a Planet Fitness membership card clipped to the outside of his pants, clearly visible to others. He had his wallet in the right waist-side pocket of his pants, his phone in his left waist-side pocket of his pants, hand sanitizer in the right side pocket of his coat, a gray-and-black box cutter knife, which was 4 to 5 inches long, inside one of the pockets of his winter coat (he could not recall which one), and a portable phone charger and second hand sanitizer in the knee pocket. As he was walking in the parking lot, Mr. [REDACTED] heard a voice behind him yell, "Stop, stop!" Mr. [REDACTED] who had his hands in his pockets because it was cold, did not think the voice was addressing him, so he kept walking without turning around. He did not make any movements besides walking with his hands in his pockets. He then heard the same voice order him to stop again, which he did **(Board Review 01)**.

PO [REDACTED] statement was generally consistent with the BWC. PO [REDACTED] and PO [REDACTED] were at

the 83rd Precinct stationhouse and received a radio run of a man with a firearm. PO [REDACTED] stated that the location was in a high crime area, known for shootings, fights, gun related arrests, and narcotics. PO [REDACTED] stated that he had responded to numerous gun related jobs in the area prior to this incident. Aside from the type of crime and a description of the suspect, which PO [REDACTED] could not recall, PO [REDACTED] did not receive any additional information over the radio. PO [REDACTED] was presented with a transcription of the radio communications audio. PO [REDACTED] recalled that the suspect was described as wearing a black bubble coat, though he did not recall the other details of the description. PO [REDACTED] and PO [REDACTED] stopped in a driveway at the rear of the NYCA complex and exited their vehicle. Less than one minute after exiting his vehicle, PO [REDACTED] observed an unidentified Asian man walking his dog, who immediately pointed in the direction of Mr. [REDACTED] without speaking to the officers. PO [REDACTED] said to the man, "That guy right there?" and the man nodded his head. PO [REDACTED] initially stated that from where he was standing, he observed a man wearing a black bubble jacket and began to run towards him. However, later in the interview, PO [REDACTED] stated that he did not recall if the witness pointed directly at Mr. [REDACTED] or if he pointed in the direction of where Mr. [REDACTED] was ultimately stopped. PO [REDACTED] stated that Mr. [REDACTED] was the only person in that area who was wearing a black bubble coat. PO [REDACTED] could not recall what, if anything, that could have obstructed his view of Mr. [REDACTED] from where he encountered the witness.

Aside from the radio description, which PO [REDACTED] stated was "close enough" to Mr. [REDACTED] and the man pointing towards him, Mr. [REDACTED] was not physically doing anything which led PO [REDACTED] to suspect that he was associated with the 911 call. PO [REDACTED] stated that the primary reason for stopping Mr. [REDACTED] was the point-out from the man in the area, and that the radio description was a secondary consideration. PO [REDACTED] acknowledged pointing his firearm at Mr. [REDACTED] and stated that as he approached, he would not have been able to observe if Mr. [REDACTED] was carrying a weapon as Mr. [REDACTED] back was turned towards the officers, his hands were in his pockets, and he was not wearing tight fitting clothing where a weapon would have been easily observable. Mr. [REDACTED] complied with PO [REDACTED] orders to stop, turn around, and take his hands out of his pockets. As he approached Mr. [REDACTED] he did not make any observation that Mr. [REDACTED] was carrying a weapon. PO [REDACTED] frisked Mr. [REDACTED] around his waistband, the pockets of his jacket, and the pockets of his jeans. PO [REDACTED] did not detect anything which he believed was a weapon. PO [REDACTED] frisked Mr. [REDACTED] due to the dangerous nature of the call and said that if Mr. [REDACTED] was carrying a firearm, the officers wanted to secure it as quickly as possible.

PO [REDACTED] left the location and returned to the witness who had pointed Mr. [REDACTED] out. PO [REDACTED] asked the individual if he had called 911 and why he had pointed Mr. [REDACTED] out. The individual shook his head and appeared to be confused. PO [REDACTED] met with a security guard who directed him to the 911 caller inside 120 Menahan. The caller told PO [REDACTED] what he had seen, where he saw it, and what direction the suspect went in. The caller did not wish to come with the officers to identify Mr. [REDACTED]. PO [REDACTED] was walking back to where Mr. [REDACTED] had been stopped when PO Olivos told him that the individual who had pointed Mr. [REDACTED] out was an emotionally disturbed person. PO Olivos did not provide any additional information. PO [REDACTED] did not have any prior knowledge of the individual and did not take information from him at the scene. During his interview, PO [REDACTED] was asked to identify the specific time during his BWC footage in which he encountered the witness who pointed to Mr. [REDACTED]. PO [REDACTED] stated that this interaction occurred before his BWC was activated (**Board Review 22**).

PO [REDACTED] statement was generally consistent with the BWC and PO [REDACTED] statement. Upon arriving at the location, PO [REDACTED] and PO [REDACTED] encountered a witness and asked him if he had seen anyone with a firearm. The witness replied, "That guy has it" and pointed in the direction of Mr. [REDACTED]. PO [REDACTED] could not recall if he could see Mr. [REDACTED] from where the man was

pointing, or if the man was pointing in the direction of where Mr. [REDACTED] was ultimately stopped. PO [REDACTED] could not recall how long after they arrived at the location that they spoke with the witness. PO [REDACTED] could not recall how far Mr. [REDACTED] was from the location where they spoke to the witness and could not recall how much time passed between speaking to the witness and stopping Mr. [REDACTED]. Upon stopping Mr. [REDACTED], PO [REDACTED] did not observe any bulges in his clothing. PO [REDACTED] acknowledged pointing his firearm at Mr. [REDACTED] and said that he did so for the officers' safety due to the nature of the call. PO [REDACTED] reviewed the transcript of the suspect description provided in the 911 call and stated it closely matched Mr. [REDACTED] because he was wearing a black jacket and black pants. PO [REDACTED] was shown a segment of his BWC footage and asked to identify the individual who PO [REDACTED] said pointed to Mr. [REDACTED]. PO [REDACTED] stated he did not recognize the individual (**Board Review 23**).

Sgt. [REDACTED] statement was somewhat consistent with the BWC. While on patrol, Sgt. [REDACTED] received a call of a Hispanic man with a black bubble jacket with a firearm in the vicinity of 160 Menahan Street. Sgt. [REDACTED] and PO Husain canvassed the area for less than a minute when Sgt. [REDACTED] observed PO [REDACTED] and PO [REDACTED] running toward Mr. [REDACTED] as if they intended to stop him. Sgt. [REDACTED] exited her vehicle and ran towards Mr. [REDACTED] who had already been stopped and was surrounded by PO [REDACTED] and PO [REDACTED]. Sgt. [REDACTED] handcuffed Mr. [REDACTED] because he generally matched the description provided over the radio and to ensure the safety of the officers. Prior to handcuffing Mr. [REDACTED], Sgt. [REDACTED] did not observe any discrepancies between Mr. [REDACTED] appearance and the information provided over the radio run. Both before and after handcuffing Mr. [REDACTED], Sgt. [REDACTED] did not make any observation which let her to believe Mr. [REDACTED] was concealing a weapon beneath his clothing. Sgt. [REDACTED] reviewed the description provided in the radio and said it was consistent with what she heard prior to arriving at the location. Sgt. [REDACTED] acknowledged frisking Mr. [REDACTED] around his waistband area, which yielded negative results. Sgt. [REDACTED] frisked Mr. [REDACTED] due to the nature of the radio run, the description provided, and stated that an officer, whom she could not recall, had said there was a witness who had pointed to Mr. [REDACTED] and told officers, "That's him." Sgt. [REDACTED] initially denied searching Mr. [REDACTED] though after reviewing BWC footage, acknowledged doing so. Sgt. [REDACTED] stated that Mr. [REDACTED] was wearing a thick coat and that during the frisk she felt the edges of a hard object which she believed could have been a gun but turned out to be a bottle (**Board Review 24**).

PO Mignone's statement was somewhat consistent with the BWC. PO Mignone was unable to recall anything about the description of the suspect aside from it involving a male suspect wearing a puffy or bubble jacket. PO Mignone reviewed the description provided in the radio communications audio and agreed that it was consistent with the information he heard prior to arriving at the scene. Upon arriving at the location, officers were in the process of handcuffing Mr. [REDACTED]. PO Mignone was initially some distance away from Mr. [REDACTED] so he was unable to see whether he appeared to be concealing a weapon in his clothing. As PO Mignone came closer, he noted that Mr. [REDACTED] wore a large jacket which prevented him from observing whether Mr. [REDACTED] was concealing anything beneath it. PO Mignone found Mr. [REDACTED]'s jacket and dark colored pants to be consistent with the description received over the radio. He also noted that Mr. [REDACTED] was within several hundred feet from the reported location and that the complex itself was large. PO Mignone acknowledged frisking Mr. [REDACTED] front waist area and his front outer pockets in order to ensure the officers' safety due to the nature of the call. PO Mignone did not recall searching Mr. [REDACTED]. After reviewing BWC footage of himself reaching his hand into Mr. [REDACTED] front jacket pocket, PO Mignone stated that the footage depicted a basic frisk for weapons. PO Mignone stated that if he did search Mr. [REDACTED] it would have been because he detected something he believed to be a weapon, though Mignone could not recall, what, if anything, he detected during this frisk (**Board Review 25**).

A stop report prepared by PO [REDACTED] was obtained and is generally consistent with PO [REDACTED] and PO [REDACTED] statements as well as the radio communications audio. The report notes that Mr. [REDACTED] was stopped because he matched the specific description of a suspect and due to his proximity to the reported crime (**Board Review 28**).

An officer's decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as it is practical, NYPD Patrol Guide 221-01 (**Board Review 29**).

To stop an individual, officers must possess reasonable suspicion that the person has committed, is committing, or is about to commit a crime. People v. DeBour, 40 N.Y. 2d 210 [1976] (**Board Review 31**).

The mere presence near the location where a suspect was last seen, and a vague description that somewhat matches the suspect, is not a reasonable basis for suspicion, Dancy v. McGinely, 843 F.d3 93 (**Board Review 30**).

An officer may frisk an individual when they reasonably suspect that the individual may be armed and present a risk of harm to the officer. If an apparent weapon is revealed during a frisk, a limited search may be conducted only of the area where the apparent weapon was discovered People v. DeBour, 40 N.Y.2d 210 (1976).

The investigation was unable to verify whether an individual at the location pointed out Mr. [REDACTED] to officers. PO [REDACTED] and PO [REDACTED] themselves could not recall whether this individual pointed directly at Mr. [REDACTED] or in the general direction of where they ultimately encountered him. However, at the time officers pointed their firearms at Mr. [REDACTED] his back was turned toward the officers and he was wearing a black coat and navy-blue pants, which generally matched the description provided over the radio. Additionally, Mr. [REDACTED] was in the general vicinity of the reported crime where no other civilians were present.

Given that from behind, Mr. [REDACTED] generally matched the description of a suspect wielding a firearm and that Mr. [REDACTED] was alone near the reported crime, it was reasonable for PO [REDACTED] and PO [REDACTED] to believe that there was potential for serious physical injury and therefore draw and point their firearms. It is therefore recommended that **Allegations C and D** be closed as **exonerated**.

While it was reasonable for PO [REDACTED] and PO [REDACTED] to order Mr. [REDACTED] to stop given that from behind his black coat and dark pants could have conceivably matched the description of the suspect, when he turned to face the officers, their suspicion should have dissipated given the significant inconsistencies between his appearance and the provided description. Despite PO [REDACTED], PO [REDACTED] and Sgt. [REDACTED] statements that Mr. [REDACTED] closely matched the suspect's description, Mr. [REDACTED] is black and not Hispanic, is 26 years-old and not 50-60 years old, was not wearing a bubble coat, was not wearing a grey cap, glasses, or a mask. Despite these inconsistencies, PO [REDACTED] PO [REDACTED] and Sgt. [REDACTED] continued with the stop which resulted in Mr. [REDACTED] being handcuffed and detained for nearly five minutes.

During this time, PO [REDACTED] Sgt. [REDACTED] and Mignone frisked Mr. [REDACTED] despite the significant discrepancies between Mr. [REDACTED] appearance and the suspect's description and despite each

officer stating that they did not make any observation that led them to believe he was concealing a weapon. After reviewing BWC footage, Sgt. [REDACTED] acknowledged entering Mr. [REDACTED] right jacket pocket because she felt the hard edges of an object which she believed could have been a firearm which turned out to be a small bottle of hand sanitizer, which is not consistent with the shape or weight of a firearm. Additionally, BWC footage captures PO Mignone searching Mr. [REDACTED] right coat pocket. PO Mignone stated that if he did conduct a search, he did so because he detected something he believed to be a weapon, though he could not recall what it was. However, BWC footage captures PO [REDACTED] frisk the same pocket seconds before PO Mignone arrives, which he stated yielded negative results.

Given the significant inconsistencies between Mr. [REDACTED] appearance and the suspect's information, the fact that Mr. [REDACTED] was wearing a black coat and was in the area where the reported crime occurred was not sufficient for officers to reasonably suspect he was associated with the 911 call and subsequently detain him for nearly five minutes. In addition, no officer made any observation that Mr. [REDACTED] was concealing a weapon, nor did the officers' frisks yield any results for any object that could reasonably be perceived to be a firearm. As such, the investigation determined that the officers' stop of Mr. [REDACTED] as well as the subsequent frisks and searches, were not justified. It is therefore recommended that **Allegations A, B, C and G – K** be closed as **substantiated**.

**Allegation F – Abuse of Authority: Sergeant [REDACTED] spoke discourteously to [REDACTED]**

The discourteous remark by Sgt. [REDACTED] was captured on BWC and was not alleged by Mr. [REDACTED]

BWC from Sgt. [REDACTED] shows, at 00:35, visible on the media player at the bottom of the screen, Sgt. [REDACTED] approaches Mr. [REDACTED] along with multiple other officers, and says, "Don't you fucking move" before handcuffing him. Mr. [REDACTED] does not say anything to officers or resist prior to this and is compliant with the officers' orders (**Board Review 04**).

Sgt. [REDACTED] initially denied using any profanity towards Mr. [REDACTED] though acknowledged after viewing her BWC footage and stated that this remark was accidental.

An officer's use of an impolite word during a stressful street encounter where that officer is attempting to gain control of the situation does not constitute misconduct (DAO-DCT Case #201818951) (**Board Review 32**).

Given that Mr. [REDACTED] was immediately compliant with officers' orders and was not moving or resisting when Sgt. [REDACTED] cursed at him, Sgt. [REDACTED] use of profane language was inappropriate and unnecessary as the situation was already under control. It is therefore recommended that **allegation F** be closed as **substantiated**.

**Civilian and Officer CCRB Histories**

- This is the first complaint to which Mr. [REDACTED] has been a party (**Board Review 33**).
- PO [REDACTED] has been a member of service for four years and has been a subject in two additional CCRB complaints and two allegations, neither of which were substantiated.
- PO [REDACTED] has been a member of service for two years and has been a subject in one other CCRB complaint with one allegation, which has not been substantiated.
- PO Mignone has been a member of service for seven years and has been a subject in one other CCRB complaint with two allegations, neither of which were substantiated.



- Sgt. [REDACTED] has been a member of service for 14 years and has been a subject in four other CCRB complaints with six allegations, none of which were substantiated.

**Mediation, Civil and Criminal Histories**

- Mr. [REDACTED] declined to mediate this complaint.
- According to the Office of Court Administration (OCA), Mr. [REDACTED] has no history of convictions in New York City (**Board Review 34**).
- As of February 18, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**Board Review 35**).

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Squad No.:      8

Investigator:	<u>Trevor Hackett</u>	<u>Inv. Trevor Hackett</u>	<u>12/09/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Ethan De Angelo</u>	<u>IM Ethan De Angelo</u>	<u>12/13/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date